

## **REMARKS**

Claims 1-3, 5, 6, 8, 9, 13, and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number 5,546,536 to Davis et al. (hereinafter Davis) in view of United States Patent Number 7,051,173 to Tsuchiya (hereinafter Tsuchiya).

### **Amendments to claims.**

Applicants have amended claim 1 with the limitations that extracting block address information, recording block address information, and transferring the block address information are “...in response to the backup component not being online...” The amendment is fully supported by the specification. See page 11, ¶ 38, 40; page 12, ¶ 42; fig. 3, ref. 330; fig. 4, refs. 410, 420. Claims 8, 13, 16, and 18 are similarly amended. Claim 18 is also amended with the limitation of claim 1, “...wherein the block address information comprises time and date information...”

### **Response to rejections of claims under 35 U.S.C. § 103(a).**

Claims 1-3, 5, 6, 8, 9, 13, and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Tsuchiya. Applicants respectfully traverse this rejection.

Applicants have amended claims 1, 8, 13, 16, and 18 with the limitations that that extracting block address information, recording block address information, and transferring the block address information are in response to the backup component not being online. Claims 1, 8, 13, 16, and 18 also include the limitation “...extract block addresses from the tracking log,

organize a block address list from the extracted block addresses, read blocks of the block address list from a primary volume, and write the memory blocks to the secondary volume when the backup component comes online.” Claim 1. See also claims 8, 13, 16, and 18.

In contrast, Tsuchiya does not disclose **recording block address information, and transferring the block address information *in response to the backup component not being online***. In addition, Tsuchiya does not teach **extracting block addresses from the tracking log, organizing a block address list from the extracted block addresses, reading blocks of the block address list from a primary volume, and writing the memory blocks to the secondary volume *when the backup component comes online***. Instead, Tsuchiya assures that only the most recent writes to the shared cache are stored through organizing logs and incremental backups. Tsuchiya, col. 2, lines 16-40; col. 12, lines 31-46; fig. 9.

Applicants therefore submit that claims 1, 8, 13, 16, and 18 are allowable as Davis and Tsuchiya do not teach each claimed element. Applicants further submit that claims 2-3, 5, 6, 9, 17, and 19 are allowable as depending from allowable claims.

## Conclusion

As a result of the above amendments and remarks, Applicants submit that the application is in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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